

**SEMINOLE COUNTY GOVERNMENT  
LAND PLANNING AGENCY / PLANNING AND ZONING COMMISSION  
AGENDA MEMORANDUM**

**SUBJECT:** Condev Office Site, Rezone from A-1 (Agriculture) to PCD (Planned Commercial Development) (Chris Gardner, applicant)

**DEPARTMENT:** Planning & Development **DIVISION:** Planning

**AUTHORIZED BY:** Matthew West **CONTACT:** Jeff Hopper **EXT.** 7431

**Agenda Date** 7/13/05 **Regular** ☐ **Work Session** ☐ **Briefing** ☐  
**Special Hearing – 6:00** ☐ **Public Hearing – 7:00** ☒

**MOTION/RECOMMENDATION:**

1. Recommend APPROVAL of the request for a rezone from A-1 (Agriculture) to PCD (Planned Commercial Development) per the attached development order; on approximately 1.9 acres located on the east side of Tuskawilla Road, approximately 300 feet north of SR 426, (Chris Gardner, applicant); or
2. Recommend DENIAL of the request for a rezone from A-1 (Agriculture) to PCD (Planned Commercial Development); on approximately 1.9 acres located on the east side of Tuskawilla Road, approximately 300 feet north of SR 426, (Chris Gardner, applicant); or
3. CONTINUE the request until a time and date certain, per the attached Staff Report.

(District 1 – Dallari)

(Jeff Hopper, Senior Planner)

**BACKGROUND:**

The applicant requests PCD zoning to develop an office use on the subject property. The project would consist of a total of 21,746 square feet in four separate buildings. The buildings would be 2 stories in height and would share a Tuskawilla Road access with the existing convenience store to the south. The proposed use is compatible with existing commercial development to the south and approved office and commercial development on vacant properties to the north and east.

**STAFF RECOMMENDATION:**

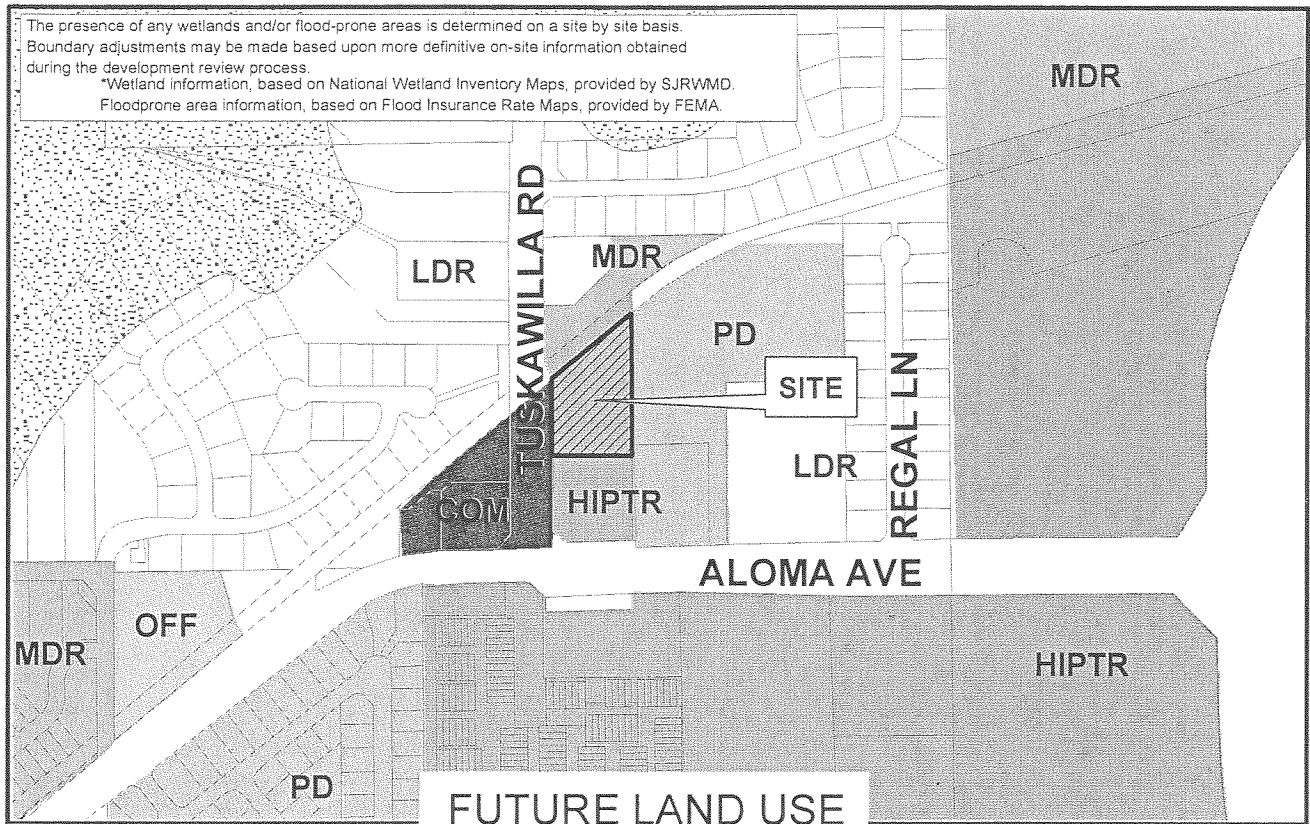
Due to unresolved site plan issues resulting from the Development Review Committee (DRC) evaluation, staff recommends CONTINUANCE of the item. Alternatively, the Planning & Zoning Commission may choose to recommend

<b>Reviewed by:</b> <b>Co Atty:</b> _____ <b>DFS:</b> _____ <b>OTHER:</b> _____ <b>DCM:</b> _____ <b>CM:</b> _____ <b>File No.</b> <u>Z2005-022</u>
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APPROVAL subject to conditions listed in the attached development order, including the following:

- Retention areas to be counted toward the minimum 25% open space requirement shall be landscaped, sodded and amenitized in accordance with the Land Development Code.
- Retention ponds shall be designed such that they are not required to be fenced.
- Prior to Final Site Plan approval, the developer shall provide a tree preservation plan showing that at least 25% of existing trees are being preserved, as required by the Land Development Code.
- Buildings must be designed with residential-style architecture. Elevations shall be provided at Final Site Plan.

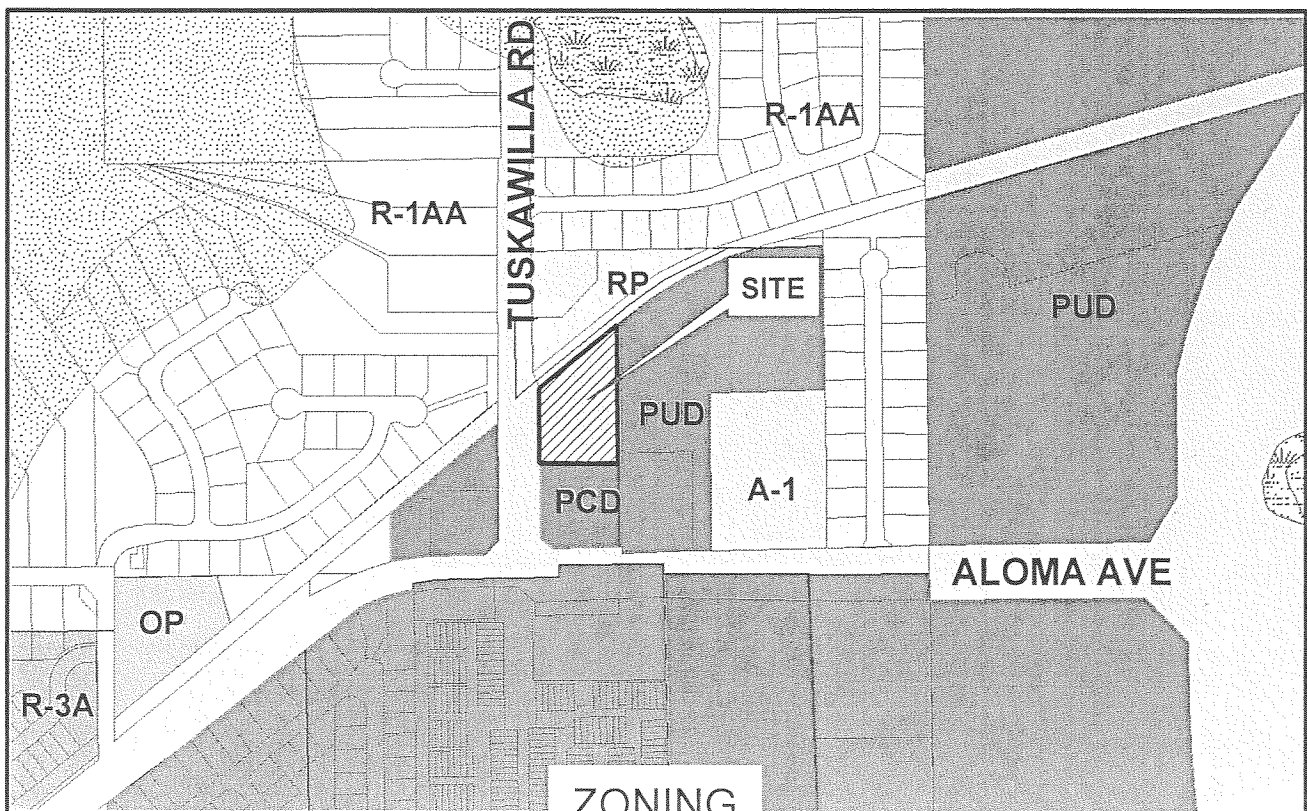
The presence of any wetlands and/or flood-prone areas is determined on a site by site basis. Boundary adjustments may be made based upon more definitive on-site information obtained during the development review process.  
 \*Wetland information, based on National Wetland Inventory Maps, provided by SJRWMD.  
 Floodprone area information, based on Flood Insurance Rate Maps, provided by FEMA.



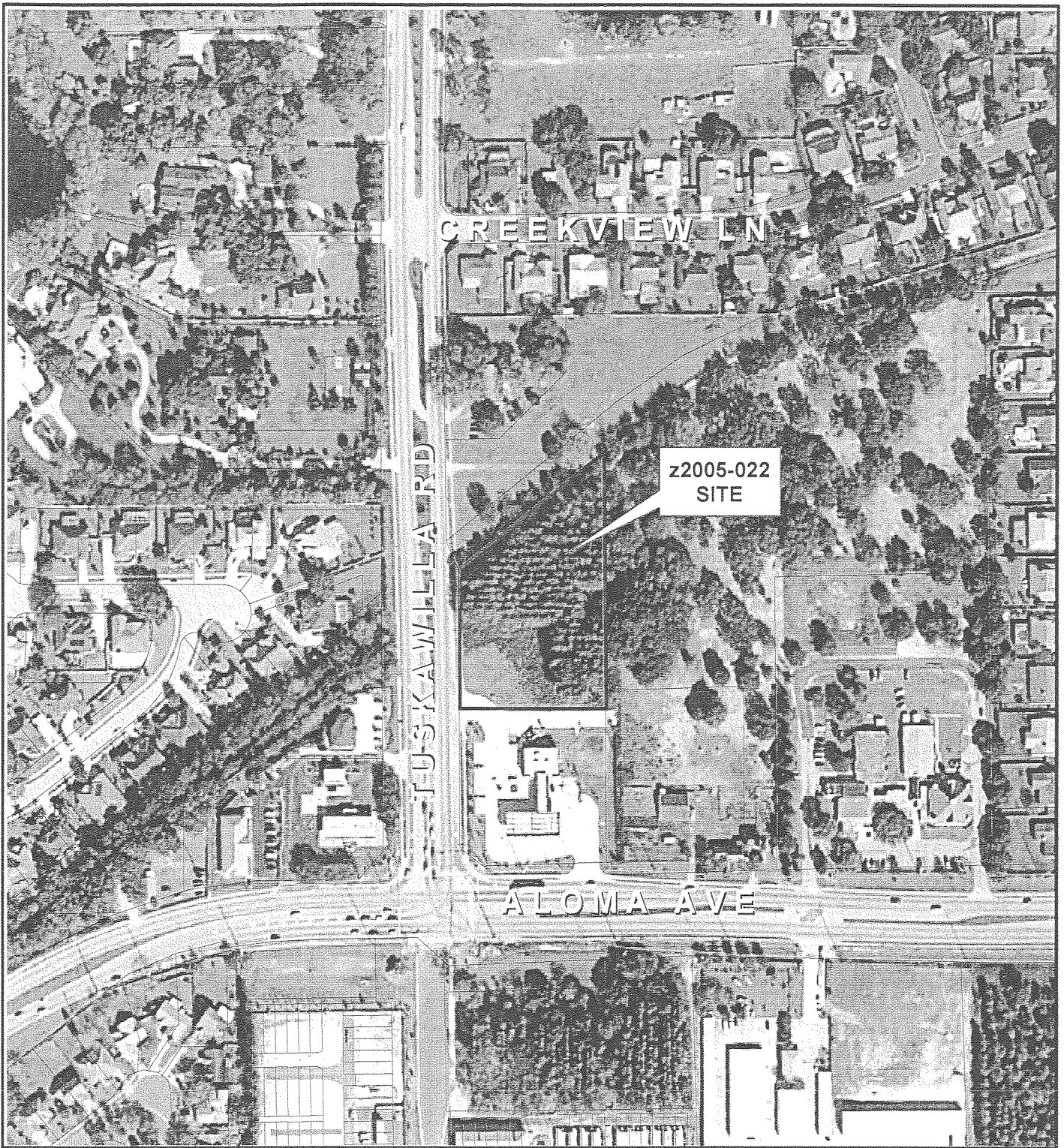
- Site
  Municipality
  LDR
  MDR
  COM
  PD
  HIPTR
  CONS
  OFF

Applicant: Christopher Gardner  
 Physical STR: 36-21-30-300-0060-0000  
 Gross Acres: 1.9 +/- BCC District: 1  
 Existing Use: Vacant  
 Special Notes: None



	Amend/ Rezone#	From	To
FLU	--	--	--
Zoning	Z2005-022	A-1	PCD



- A-1
  R-1AA
  RP
  PUD
  PCD
  FP-1
  W-1
  R-3A
  OP



Rezone No: Z2005-022  
From: A-1 To: PCD

 Parcel  
 Subject Property



January 2004 Color Aerials





## CONDEV OFFICE SITE

REQUEST INFORMATION		
APPLICANT	Chris Gardner / Condev Corporation	
PROPERTY OWNER	Parkers Corner LLC	
REQUEST	Rezone from A-1 (Agriculture) to PCD (Planned Commercial Development)	
HEARING DATE (S)	P&Z: July 13, 2005	BCC: TBD
PARCEL NUMBER	36-21-30-300-0060-0000	
LOCATION	East side of Tuskawilla Rd., approx. 300' north of SR 426	
FUTURE LAND USE	HIP - TR	
FILE NUMBER	Z2005-022	
COMMISSION DISTRICT	1 - Dallari	

The applicant requests PCD zoning to develop an office use on the subject property. The project would consist of a total of 21,746 square feet in four separate buildings. The buildings would be 2 stories in height and would share a Tuskawilla Road access with the existing convenience store to the south. The proposed use is compatible with existing commercial development to the south and approved office and commercial development on vacant properties to the north and east.

While the proposed use is appropriate for the location, an important issue involving site layout had not been resolved at the time this report was written. The proposed design for the stormwater retention pond does not comply with open space provisions of the Code, which require that these facilities be configured as amenities if they are to be counted toward open space requirements. In order to comply, stormwater ponds must generally have a curving shape and include recreational or visual features such as picnic tables or fountains.

In addition, the retention pond design does not have approval from the Development Review Division. This is due to the applicant's proposal for vertical walls on the east and northwest sides of the pond. Such an arrangement requires fencing for safety. The preferred design uses gradual side slopes that require more space but do not create a safety issue.

In responding to these concerns, it is very likely the applicant will have to revise the site layout substantially. After receiving the revised plan, Staff will need adequate time to review it for compliance with these and other provisions of the Code. Staff will update this report accordingly.

### Existing Land Uses:

(West)	(North)			(East)
	<b>MDR/LDR</b> Vacant/SF Residential <i>RP/R-1AA</i>	<b>MDR</b> County Trail <i>RP</i>	<b>PD</b> Vacant <i>PUD (approved for commercial use)</i>	
	<b>COM</b> Office/Convenience store <i>PCD</i>	<b>HIP TR</b> Vacant <i>A-1</i>	<b>PD</b> Vacant <i>PUD (approved for commercial use)</i>	
	<b>COM</b> Office/Convenience store <i>PCD</i>	<b>HIP TR</b> Convenience store <i>PCD</i>	<b>PD</b> Vacant <i>PUD (approved for commercial use)</i>	
(South)				

\* See enclosed future land use and zoning maps for more details.

\***Bold** text depicts future land use designation, plain text depicts the existing use, and italicized text depicts zoning district. See enclosed future land use and zoning map for more details.

### SITE ANALYSIS

#### **Facilities and Services:**

1. Adequate facilities and services must be available concurrent with the impacts of development. If required by the concurrency review, additional facilities and services will be identified.
2. The proposed rezone is consistent with the adopted future land use designation assigned to the property, and does not alter the options or long range strategies for facility improvements or capacity additions included in the Support Documentation to the Vision 2020 Plan.
3. Water and sewer service are provided by Seminole County.
4. Information on stormwater capacity and outfall must be provided prior to final site plan approval.

**Compliance with Environmental Regulations:** Prior to approval of final engineering plans, the developer will be required to provide a Listed Species survey report.

**Compatibility with Surrounding Development:** The proposed PCD zoning is compatible with surrounding developments and is consistent with the HIP - TR future land use designation.

**Intergovernmental Notice Process:** Intergovernmental notice is not required since no other entities are affected.

### STAFF RECOMMENDATION

Due to unresolved site plan issues resulting from the Development Review Committee (DRC) evaluation, staff recommends CONTINUANCE of the item. Alternatively, the

Planning & Zoning Commission may choose to recommend APPROVAL subject to conditions listed in the attached development order, including the following:

- Retention areas to be counted toward the minimum 25% open space requirement shall be landscaped, sodded and amenitized in accordance with the Land Development Code.
- Retention ponds shall be designed such that they are not required to be fenced.
- Prior to Final Site Plan approval, the developer shall provide a tree preservation plan showing that at least 25% of existing trees are being preserved, as required by the Land Development Code.
- Buildings must be designed with residential-style architecture. Elevations shall be provided at Final Site Plan.



**SEMINOLE COUNTY DEVELOPMENT  
ORDER**

On \_\_\_\_\_, 2005, Seminole County issued this Development Order relating to and touching and concerning the following described property:

Legal description attached as Exhibit A.

(The aforescribed legal description has been provided to Seminole County by the owner of the aforescribed property.)

**FINDINGS OF FACT**

**Property Owner:** PARKERS CORNER LLC  
GEORGE PARKER, PRESIDENT

**Project Name:** CONDEV OFFICE SITE PCD

**Requested Development Approval:** Rezone from A-1 to PCD

The Development Approval sought is consistent with the Seminole County Comprehensive Plan and will be developed consistent with and in compliance to applicable land development regulations and all other applicable regulations and ordinances.

The owner of the property has expressly agreed to be bound by and subject to the development conditions and commitments stated below and has covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.

Prepared by: JEFF HOPPER  
1101 East First Street  
Sanford, Florida 32771

**NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:**

- (1) The aforementioned application for development approval is **GRANTED**.
- (2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.
- (3) The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property are as follows:

- a. Permitted and special exception uses shall be in accordance with the provisions of the OP district.
- b. Maximum building height shall be 35 feet and 2 stories.
- c. Prior to Final Site Plan approval, the developer shall provide a tree preservation plan showing that at least 25% of existing trees are being preserved, as required by the Land Development Code.
- d. Retention areas to be counted toward the minimum 25% open space requirement shall be landscaped, sodded and amenitized in accordance with the Land Development Code (Section 30.1344).
- e. Retention ponds shall be designed such that they are not required to be fenced.
- f. The developer shall provide a pedestrian connection from all buildings to public sidewalks along Tuskawilla Road.
- g. Dumpsters shall be screened so they are not visible from Tuskawilla Road or nearby single family properties.
- h. All mechanical equipment, ground or roof mounted, shall be screened from off-site view.
- i. Buildings must be designed with residential-style architecture. Elevations shall be provided at Final Site Plan.
- j. No parking of mobile cat-scan trucks or semi-tractor trailers shall be permitted on the site.
- k. Construction activities shall not encroach on the Cross Seminole Trail right-of-way.

- (4) This Development Order touches and concerns the aforescribed property and the conditions, commitments and provisions of this Development Order shall perpetually burden, run with and follow the said property and be a servitude upon and binding upon said

property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The owner of the said property has expressly covenanted and agreed to this provision and all other terms and provisions of this Development Order.

(5) The terms and provisions of this Order are not severable and in the event any portion of this Order shall be found to be invalid or illegal then the entire order shall be null and void.

**Done and Ordered on the date first written above.**

By: \_\_\_\_\_  
Carlton D. Henley  
Chairman  
Board of County Commissioners

**OWNER'S CONSENT AND COVENANT**

**COMES NOW**, PARKERS CORNER LLC, on behalf of itself and its successors, assigns or transferees of any nature whatsoever and consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Development Order.

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
George Parker,  
President

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Print Name

**STATE OF FLORIDA****COUNTY OF SEMINOLE**

**I HEREBY CERTIFY** that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared **GEORGE PARKER**, and is personally known to me or who has produced \_\_\_\_\_ as identification and who acknowledged and executed the foregoing instrument.

**WITNESS** my hand and official seal in the County and State last aforesaid this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

\_\_\_\_\_  
Notary Public, in and for the County and State  
Aforementioned

My Commission Expires:

**EXHIBIT A****Project Legal Description:**

The West Quarter of the Southeast Quarter of the Northeast Quarter, lying South of the Right of Way of Seaboard Railroad, of Section 36, Township 21 South, Range 30 East, LESS Right of Way for Tuskawilla-Gabriella Road AND ALSO LESS Right of Way as described in Deed recorded in Official Records Book 633, Page 656, Deed recorded in Official Records Book 2488, Page 1636, and Order of Taking recorded in Official Records Book 1909, Page 1627, Public Records of Seminole County, Florida.

**LESS AND EXCEPT:**

That portion of Section 36, Township 21 South, Range 30 East, Seminole County, Florida, described as follows:

Commence at the Southeast Corner of the Northeast  $\frac{1}{4}$  of said Section 36; thence North  $89^{\circ}39'30''$  West along the South line of said Northeast  $\frac{1}{4}$  for 992.79 feet to the East line of the West  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of Section 36; thence North  $00^{\circ}22'58''$  West along said East line for 69.76 feet to the Northerly Right-of-Way line of State Road No. 426 (Aloma Avenue) and POINT OF BEGINNING; thence North  $89^{\circ}51'46''$  West along said Northerly Right-of-Way line for 228.94 feet to the Easterly Right-of-Way line of Tuskawilla Road; thence along said Easterly Right-of-Way line the following three (3) courses: run North  $44^{\circ}55'53''$  West for 42.48 feet; thence North  $00^{\circ}00'00''$  East for 204.55 feet; thence North  $01^{\circ}51'58''$  West for 35.48 feet; thence South  $90^{\circ}00'00''$  East for 258.29 feet to the East line of the West  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of aforesaid Section 36; thence South  $00^{\circ}22'58''$  East along said East line for 270.64 feet to the POINT OF BEGINNING.

AN ORDINANCE AMENDING, PURSUANT TO THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY, THE ZONING CLASSIFICATIONS ASSIGNED TO CERTAIN PROPERTY LOCATED IN SEMINOLE COUNTY (LENGTHY LEGAL DESCRIPTION ATTACHED AS EXHIBIT); ASSIGNING CERTAIN PROPERTY CURRENTLY ASSIGNED THE A-1 (AGRICULTURAL) ZONING CLASSIFICATION THE PCD (PLANNED COMMERCIAL DEVELOPMENT) ZONING CLASSIFICATION; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA:

**Section 1. LEGISLATIVE FINDINGS.**

(a) The Board of County Commissioners hereby adopts and incorporates into this Ordinance as legislative findings the contents of the documents titled "Condev Office Site PCD."

(b) The Board hereby determines that the economic impact statement referred to by the Seminole County Home Rule Charter is unnecessary and waived as to this Ordinance.

**Section 2. REZONINGS.** The zoning classification assigned to the following described property is changed from A-1 (Agriculture) to PCD (Planned Commercial Development):

**LEGAL DESCRIPTION ATTACHED EXHIBIT A**

**Section 3. CODIFICATION.** It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall not be codified.



**Section 4. SEVERABILITY.** If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, it is the intent of the Board of County Commissioners that the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

**Section 5. EFFECTIVE DATE.** A certified copy of this Ordinance shall be provided to the Florida Department of State by the Clerk of the Board of County Commissioners in accordance with Section 125.66, Florida Statutes. This Ordinance shall become effective upon the date of filing by the Department and recording of Development Order #5-20500004 in the official land records of Seminole County.

ENACTED this \_\_\_\_ day of \_\_\_\_\_, 2005

BOARD OF COUNTY COMMISSIONERS  
SEMINOLE COUNTY, FLORIDA

By: \_\_\_\_\_  
Carlton D. Henley  
Chairman

## EXHIBIT A

### LEGAL DESCRIPTION

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SECOND FLOOR AREA: 9,433 S.F. OFFICE USE

FILE: HARRIS2F/PROJ/PENDING/CONDEV

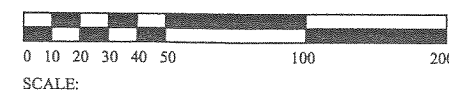
SITE OPEN AREA (PERMEABLE AREA) = 30%+, INCLUDING  
AMMENTIZED STORMWATER RETENTION AREA.

- INDICATES PROPOSED CRAPE MYRTLE (SHALLOW ROOT) TREE
- INDICATES PROPOSED CANOPY TREE
- INDICATES PROPOSED CYPRESS TREE
- INDICATES PROPOSED 3' H. NATURAL BUFFER



PRELIMINARY GROUND LEVEL PLAN

FIRST FLOOR AREA: 12,313 S.F. OFFICE USE



P-1